



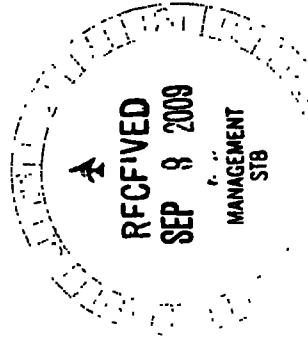
City of Davenport

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September 2, 2009

The Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001



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Office of Proceedings
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RE: Finance Docket No. 35237
Eastern Iowa Industrial Center Rail Project - City of Davenport, Iowa - Authority to
Construct - Petition For An Exemption From 49 U.S.C. §10901 and Petition For Waiver
of Filing Fee (Expedited Action Requested)

Dear Acting Secretary Quinlan:

The following is a clarification of and request for amendment to the previously submitted
Eastern Iowa Industrial Center Rail Project – City of Davenport, Iowa Petition for Exemption
and Petition of Waiver of Filing Fee.

The City of Davenport will be the owner and is seeking operating authority of the newly
constructed rail line. The City will contract with the Iowa, Chicago and Eastern (IC&E) to
provide service on the line; IC&E will file a separate notice of exemption to operate the rail line
after construction. The City of Davenport acknowledges that as the owner, it is the operating
authority and thereby retains responsibility for maintaining a residual common carrier obligation
to provide service over this rail line should the primary contractual relationship with IC&E cease
to exist. The City of Davenport also understands that although the City may not be the actual
operator of the line, all environmental conditions issued as part of the approval of this project
will continue to be enforced through the City of Davenport as the responsible party and owner.

Please note that with respect to the Petition for Waiver of Filing Fee, the City of Davenport
acknowledges that as the owner and operating authority it does not qualify for an exemption of
the filing fee. The petition for waiver of filing fee is hereby withdrawn.

Please let me know if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Thomas Warner, Corporation Counsel
563.326.7735

